**Human Rights Council Advisory Committee**

**Questionnaire on patterns, policies, and processes leading to incidents of racial discrimination and on advancing racial justice and equality (‘systemic’, ‘structural’ and ‘institutional’ racism)**

Dear stakeholders,

Please answer the questions that are most relevant to your field of expertise or operation. There is no need to answer all questions if some are irrelevant to your work.

Please respond as succinctly as possible, listing factors and giving relevant examples.

Please, as far as possible, provide clear examples of best practises.

Please note the following: The Advisory Committee understands its mandate under resolution 48/18 as aiming to draw attention to ‘systemic’, ‘structural’ and ‘institutional’ racism. All these terms refer to understandings of racism that go beyond individual conduct (such as hate crimes or racial slurs), and extend to characteristics of societies more generally (such as residential segregation that disadvantages members of a particular race, or barriers that disproportionately constrains members of a particular race in becoming homeowners). **‘Systemic’ racism** refers to a system in which ‘patterns, policies and processes’ (and cultural representations) work to perpetuate inequalities and patterns of discrimination against one or more racial or ethnic group. **‘Structural’ racism** may be defined as ‘the set of norms, rules, routines, patterns, attitudes, and standards of behaviour, both de jure and de facto, that give rise to a situation of inferiority and exclusion against a group of persons in a generalized sense, with these traits perpetuated over time and even generations’ (A/HRC/48/72, para 18). **‘Institutional racism’** is a related concept, and refers to the policies and practices in institutions that have the effect of producing outcomes that continuously disadvantage or favour a particular a racial group. The term may also relate to pervasive beliefs and accepted ways of doing things within an institution (referred to as ‘institutional culture’).

Stakeholders who respond to this questionnaire should please keep this focus in mind.

Respondents should also keep in mind that the Human Rights Council in 2022 set up the Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement, which is mandated to report to the Council on ‘the root causes of *systemic racism in law enforcement and the criminal justice system*, the excessive use of force, racial profiling and other human rights violations by law enforcement officials against Africans and people of African descent’ (emphasis added).

Below are two sets of questions. As the title of the first set of questions indicates (‘Questions to ALL stakeholders’), these questions should – to the extent that they are relevant -- be answered by all stakeholders. Private actors (such as companies, corporate entities and businesses) should, in addition, also answer relevant questions from the second set of questions.

**QUESTIONS TO ALL STAKEHOLDERS:**

1. Is there a working definition or understanding of systemic, structural or institutional racism in your country/by your government/your organisation?

*Aotearoa New Zealand has no agreed definition of racism. Work is underway to establish a definition of racism for Aotearoa New Zealand that will be part of a national action plan against racism, which is currently under development. However this definition is currently in draft and not yet able to be shared.*

*The Human Rights Commission describes racism as “any individual action, or institutional practice backed by institutional power, which subordinates or negatively affects people because of their ethnicity.”*

*The Ministry of Health has developed a working definition of racism: “Racism comprises racial prejudice and societal power and manifests in different ways. It results in the unequal distribution of power, privilege, resources and opportunity to produce outcomes that chronically favour, privilege and benefit one group over another. All forms of racism are harmful, and its effects are distinct and not felt equally.”[[1]](#footnote-2)*

*Within the New Zealand Police, while there is no formal agreed definition of systemic, structural or institutional racism, several programmes of work within the Innovation and Change Directorate make references to related race issues including ‘racism’ and/or ‘bias’. For example, the Te Raranga programme uses both the HRC’s definition of racism (‘Any individual action, or institutional practice backed by institutional power, which subordinates or negatively affects people because of their ethnicity’) and Police’s UPD’s Research Application Guidelines Glossary (‘Prejudice, discrimination, or antagonism by an individual, community, or institution against a person or people on the basis of their membership of a particular racial or ethnic group, typically one that is a minority or marginalized’) to help guide its work.*

*In addition, Police’s community-specific engagement strategies, including Te Huringa o Te Tai, O Le Taeao Fou and Working Together with Ethnic Communities discuss the issues of ‘racism’ and ‘bias’ that on many different levels can be systemic, structural or institutional, and/or conscious or unconscious.*

1. A) Is systemic, structural or institutional racism a prominent issue in your country? B) Is there any official acknowledgement that systemic/structural/institutional racism exists; and that it is a problem? C) In what sectors does systemic/structural/institutional racism occur – for example, access to justice, access to services, enjoyment of socio-economic cultural rights? (D)Refer to decided cases by national courts where relevant.)
2. *Evidence of institutional racism in Aotearoa New Zealand was first publicly highlighted in 1985, when the then Minister of Social Welfare asked the Māori Perspective Advisory Committee to advise her on the most appropriate way to meet the needs of Māori in policy, planning and service delivery in the Department of Social Welfare. The report of the advisory committee, Pūao-te-ata-tū (Daybreak), found that institutional racism exists within the department as it does generally through the country’s national institutional structures.[[2]](#footnote-3)*

*More recently surveys have found that racism is prevalent across Aotearoa New Zealand.[[3]](#footnote-4) Experiences of racism are most commonly reported by Māori, Asian and Pacific peoples. Recent migrants also report experiences of racial discrimination. Some studies highlight that experiences of interpersonal racism reported in these studies stem from systemic, structural and institutional racism (refer to question 3 for the root causes in an Aotearoa New Zealand context).*

*Racism has been highlighted in specific institutional settings. For example, in the care and protection and youth justice system, the disproportionate number of tamariki (children) and rangatahi (young adult) Māori uplifted into state care compared to non-Māori speaks to systemic, structural, and institutional racism being a prominent issue.[[4]](#footnote-5) Between the years 2017 and 2019 there was an increase in the number of children in care, driven by an increase in the number of tamariki Māori in care, while the number of non-Māori remained fairly consistent, with tamariki and rangatahi Māori making up more than twice that of non-Māori in care.*

1. *There have been a number of official acknowledgements that systemic racism exists.*

*By agreeing to the development of a national action plan against racism, the current Government has acknowledged the existence of the many levels of racism, including systemic, structural and institutional racism, in Aotearoa New Zealand.[[5]](#footnote-6)*

*In 2017 the Committee on the Elimination of Racial Discrimination commended the State party for acknowledging that social inequities exist today between racial groups and for accepting responsibility to correct them.[[6]](#footnote-7)*

*In 2021 the Government made a formal apology to Pacific communities for the discriminatory implementation of the immigration laws in the 1970s that led to the events of the Dawn Raids. During the Dawn Raids period, the homes of predominantly Pacific peoples were raided in the early hours of the morning to find overstayers. The Government’s apology acknowledged the discriminatory application of these laws at the time and the racial targeting and profiling that disproportionately impacted Pacific peoples. In 2001, Prime Minister Helen Clark officially apologised to the New Zealand Chinese community who paid a poll tax and suffered other discrimination imposed by statute.[[7]](#footnote-8)*

*There have been several acknowledgements that systemic, structural, and institutional racism exists in the care and protection and youth justice system, including but not limited to in the 1986 Pūao Te Ata Tū Ministerial Advisory Report, the brief of evidence from Chief Executive of Oranga Tamariki in 2020 submitted to the Waitangi Tribunal Oranga Tamariki Urgent Inquiry[[8]](#footnote-9) and the 2021 Hipokingia ki te Kahu Aroha Hipokingia ki te Katoa Ministerial Report.[[9]](#footnote-10) They all talk to systemic, structural, and institutional racism being a problem that has and continues to affect the care and protection and youth justice system and those who come to the attention of it.*

1. *Systemic racism occurring within some public services has been highlighted through independent inquiries, such as the following:*

*The Waitangi Tribunal Phase One inquiry into the legislative and policy framework of the primary healthcare system found that the framework was not designed in partnership with mana whenua or other Māori communities. It found that the primary health framework did not recognise and properly provide for tino rangatiratanga (sovereignty) and mana motuhake of hauora Māori. It argued that the current partnership arrangements need to be reviewed at all levels.[[10]](#footnote-11)*

*Independent research undertaken in 2021 to inform the Abuse in Care Royal Commission of Inquiry, found that structural and systemic racism across several government organisations was responsible for the over-representation of Māori children, young people and vulnerable adults in State Care between 1950 and 1999.[[11]](#footnote-12) It also found “clear evidence of negative, differential treatment towards pēpi, tamariki and whānau Māori across the State Care system” (infants, children and families).*

*Independent research undertaken in 2021 by the Health Quality and Safety Commission New Zealand revealed significant health inequities experienced by Pacific peoples caused by racism in New Zealand’s health system.*[[12]](#footnote-13) *The report identified four areas for system-level change, including the need to address the “unacceptable” racism of the system, create a structural response to these inequities, implement solutions that are identified and designed by Pacific peoples, and generate decisive action to support and grow Pacific peoples in the health workforce. It also acknowledged that these health inequities “reflect differences in the broader socioeconomic determinants such as education, employment and housing.”*

*A report released by the Human Rights Commission this year revealed that in 2020, the gap in average hourly wages experienced by Pacific men was 24 per cent and Pacific women was 27 per cent when compared to New Zealand European men.*[[13]](#footnote-14) *According to Saunoamaali’i Karanina Sumeo, Equal Employment Opportunities Commissioner, this research provides further evidence that this Pacific Pay Gap is at least partly due to invisible barriers like racism, unconscious bias and workplace discriminatory practices.*

*Tū Mai Te Rangi!, the Waitangi Tribunal’s 2017 report, concluded that the Department of Corrections (Ara Poutama Aotearoa) was in breach of Treaty of Waitangi principles of active protection and equity because of its lack of strategic focus on Māori. The Tribunal found that the Crown has a Treaty responsibility to apply “a renewed strategic focus that gives appropriate priority to reducing the disproportionate rate of Māori reoffending”[[14]](#footnote-15). In response to the Waitangi Tribunal’s recommendations, Ara Poutama Aotearoa launched Hōkai Rangi: Ara Poutama Aotearoa Strategy for 2019-2024. Hōkai Rangi expresses the department’s commitment to delivering improved outcomes with and for Māori in its care and their whānau, so that it can begin to address the significant over-representation of Māori in the corrections system. This strategy therefore ultimately aims to lower the proportion of Māori in the corrections department’s care to a level that matches the Māori share of the general population.*

1. What do you consider to be the root causes for systemic patterns of racial inequality?

*Racism is underpinned by the notions of hierarchy, superiority and inferiority. It is commonly described as the ranking of groups, which places some people at the bottom and others at the top based on racialised groupings. This leads to negative attitudes, beliefs and actions towards different groups. It also manifests at institutional and societal levels, leading to laws, policies, and practices that privilege one group over others and afford differential access to power, opportunities, resources and self-determination.*

*Aotearoa New Zealand’s colonial history has led to dislocation of Māori from their land and culture, and disproportionately poorer outcomes in sectors like justice, health and education.[[15]](#footnote-16) Tangata whenua scholars highlight that the history and experience of colonisation is central to Māori experiences of racism through the “dispossession of lands and rights, and the devaluing of Māori ways of knowing, spiritualities, systems, and practices”.[[16]](#footnote-17) New Zealand’s colonial history has also impacted other ethnic groups. For example, Chinese, Indian and Pacific peoples have each been subjected to discriminatory immigration policies and societal backlash over history.[[17]](#footnote-18)*

*The bicultural foundations of New Zealand (through Te Tiriti o Waitangi) and its interaction with multicultural aspects of the society (home to about 230 ethnicities) complicates the dynamics of racism in the country.*

1. What legal measures, if any, has your country put in place to address systemic, structural or institutional racism? (These could be constitutional provisions, anti-discrimination legislation, policies/strategies/national action plans, administrative measures, or the establishment of institutions such as equality bodies.)

*The Human Rights Act 1993 prohibits discrimination on specific grounds including race, colour, and ethnic or national origins (which includes nationality or citizenship). A person who believes they have been discriminated against can make a complaint to the Human Rights Commission for mediation. If mediation is unsuccessful, a person can take a claim to the Human Rights Review Tribunal and ultimately through the courts. The Tribunal can award a range of remedies including monetary compensation.*

*The New Zealand Bill of Rights Act 1990 (NZBORA) affirms the right to be free from discrimination on the grounds set out in the Human Rights Act. The Act also affirms the right of ethnic, religious, or linguistic minorities to enjoy their culture, profess and practise their religion, or to use their language. The Act applies to all branches of Government, and any person or body exercising a public function.*

*The Royal Commission of Inquiry into Christchurch mosque attacks (RCOI) made 44 recommendations to the government to address a range of issues, including racism and discrimination. The New Zealand Government accepted in-principle all the 44 recommendations and has made progress towards many of them. Most relevant recommendations are recommendations 28-42 that focus on improving social cohesion in New Zealand, and its response to an increasingly diverse population. As part of this work, the government is currently reviewing laws around incitement and discrimination, and implementing the social cohesion strategic framework. In addition, specific offences related to hate-motivated offences are being considered including amendments to the Summary Offences Act 1981 (that correspond with the existing offences of offensive behaviour or language, assault, wilful damage and intimidation); and the Crimes Act 1961 (that correspond with the existing offences of assaults, arson and intentional damage).*

*In recent years there has also been a recognition through changes in legislation with the inclusion of section 7AA (obligating the chief executive of Oranga Tamariki) in the Oranga Tamariki Act 1989, which specifically obligates the chief executive to set practical and specific measurable outcomes that have the objective to reduce disparities for tamariki and rangatahi Māori (Māori children and young people).[[18]](#footnote-19) Section 7AA has the overall objective to improve the outcomes for tamariki and rangatahi Māori and their whānau (family).*

*The national action plan against racism that is currently being developed will include an examination of Aotearoa New Zealand’s legal and institutional framework.*

1. More specifically, has your government/country taken any special/positive (‘affirmative action’) measures to ensure that past hindrances and obstacles to racial equality are overcome? (If so, please provide details.)

*In 1975 the Waitangi Tribunal was established to consider claims by Māori against the Crown regarding breaches of principles of Te Tiriti o Waitangi and to make recommendations to government to remove the prejudice and provide recompense. Since 1985 the tribunal has been able to consider Crown acts and omissions dating back to 1840. This has provided Māori with an important means to have their grievances against the actions of past governments investigated.*

*The Waitangi Tribunal considers claims by individuals, usually on behalf of groups, issues a report about each claim and the evidence provided in the inquiry, and may make recommendations. Once claimants and the Crown agree on the terms of a settlement, they sign a deed and the Crown passes legislation to give effect to it and to remove the tribunal’s ability to inquire further into this claim. Settlement redress is then transferred to the claimants.*

*The Waitangi Tribunal also hears Kaupapa (thematic) inquiries, which are not specific to any district, but rather address nationally significant issues affecting Māori as a whole. These can include topics such as military veterans, health services and outcomes, and housing policy.*

*More than 2000 claims have been lodged with the tribunal.[[19]](#footnote-20)* *As of August 2018, 73 settlements had been passed into law. The total value of all finalised settlements is $2.24 billion (NZD).[[20]](#footnote-21)*

*In recognition that tangata whaikaha Māori (disabled Māori) are likely to experience poorer outcomes across many domains of social life, Whaikaha (Office for Disability Issues) is actively seeking to enter an explicit tripartite relationship between disabled Māori, the Crown and other disabled people. This relationship will explore the relationship between disabilities and racial equity.*

1. What extra-legal measures, if any, has your country put in place to address systemic, structural or institutional racism? (These could be educational, awareness-raising, measures related to racial equality in sport, access to and quality of healthcare, etc.)

*The Human Rights Commission performs an adversarial, educative and compliance-monitoring role in responding to, and resolving, human rights complaints in Aotearoa New Zealand, which includes addressing systemic, structural and institutional racism. As part of this work programme, the Human Rights Commission supports the implementation and monitoring of the New Zealand Human Rights Action Plan; lead, evaluate, monitor and advise on equal employment opportunities; and provide information to the public about discrimination. The Commission leads several projects, including an annual Race Unity Speech Awards, held since 2001, and manages several freely available online human rights education portals and resources. The Commission has led educational and awareness-raising measures, including the ‘Give Nothing to Racism’ campaign since 2017, and the ‘Dial it Down’ campaign, which encourages the public to show care, compassion and respect when communicating online.*

*The New Zealand Race Relations Commissioner is responsible for leading the Commission’s work programme promoting harmonious race relations and social inclusion. In addition, the Race Relations Commissioner oversees the Commission’s work programme on the Royal Commission of Inquiry into the terrorist attack on Christchurch masjidain, with a strong focus on demonstrating solidarity with Aotearoa’s Muslim population and repeatedly calling for systemic change and greater social inclusion. The Race Relations Commissioner also monitors compliance with the Convention on the Elimination of Racial Discrimination.*

*Programmes and initiatives within government that are focused on addressing systemic, structural, and institutional racism exist.*

*The Government accepted the findings of the RCOI report and agreed in principle to all 44 recommendations.[[21]](#footnote-22) As of July 2022, progress was underway, or had been completed, on 42 out 44 RCOI recommendations. As part of its official response to the RCOI, the government established a new Ministry for Ethnic Communities, focused on improving outcomes for Aotearoa’s ethnic communities.[[22]](#footnote-23)*

*Te Arawhiti – the Office for Māori Crown Relations works closely with community providers to help public sector organisations to meet their Māori Crown Relations Capability Framework (MCR) requirements. MCR aims to support a significant culture change across the public service to position the public service to support the Māori Crown relationship and enable government to consistently meet its obligations under the Treaty of Waitangi. MCR focuses on developing individual and organisational competency across the public sector workforce in understanding racial equity and institutional racism, New Zealand history and the Treaty of Waitangi, Māori philosophy, customs/laws, language, and public sector engagement with Māori.*

*The Child and Youth Wellbeing Strategy 2019, which guides work that affects children and young people across government in Aotearoa New Zealand and is coordinated via the Department of the Prime Minister and Cabinet, includes the following as number five of its six outcomes [bold emphasis added]:*

*“Children and young people are accepted, respected and connected – this includes feeling a sense of belonging, living* ***free from racism and discrimination****, having good relationships and being connected to identity.”*

*To achieve this, the Strategy states, “we want to build cultural competency into the design and delivery of services, and promote a society where all children and young people feel accepted and included”.*

*A Review of the Strategy in August 2022 found that the core components of the Strategy (including the outcomes above) remain sound and relevant and that no changes should be made to the Strategy itself. Moreover, it recommended “addressing racism and discrimination” remain prioritised, as one of four priority policy areas within the Strategy.*

***Key actions from the Government’s work programme*** *for addressing racism and discrimination as part of the Strategy include:*

*• Address racism and discrimination. Officials are developing a work programme that will aim to address racism and discrimination, including through policy and legislative processes. Government has also restarted Te Kotahitanga to support equitable outcomes for Māori learners by addressing cultural bias and racism in the education system (Te Hurihanganui), supporting whānau to engage in the education of Māori learners (Mana Whānau), and changing New Zealand’s National Histories Curriculum.*

*• Increase a sense of belonging and cultural connections. Government is implementing Maihi Karauna - the Crown's Strategy for Māori Language Revitalisation, which identifies all New Zealanders under 25 as a priority group. Te Ahu o Te Reo Māori will improve te reo Māori ability in the education workforce and is the start of Government's plan to better integrate te reo Māori across the education system. Budget 2019 provided funding to implement legislative changes that require specific considerations for tamariki and rangatahi Māori in the Oranga Tamariki system.*

*• Actions to support Pacific languages and culture include developing an action plan for Pacific Aotearoa Lalanga Fou, and funding for projects to support Pacific realm languages. Funding has supported over 200 community-based language initiatives across Aotearoa.  
The Pacific Languages Strategy 2022-2032 September 2022, will help to coordinate this.*

*• Encourage positive and respectful peer relationships. Government will work to prevent bullying in schools and is expanding healthy relationships programmes in secondary schools.*

*Finally, indicators for* ***measuring, monitoring and reporting*** *on this outcome are: “ability to be themselves, sense of belonging, experience of discrimination, experience of bullying, social support, support for cultural identity, and languages”.*

*The Ministry of Health has launched Ao Mai te Rā, the Anti-Racism Kaupapa (work programme), an initiative to support the way the health system understands, reacts, and responds to racism. Drawing on the Ministry of Health’s Tiriti o Waitangi framework and Whakamaua: the Māori Health Action Plan 2020-2025, Ao Mai te Rā focuses on building collective responsibility for addressing racism at all levels of the health system, building shared understanding and shared language for what racism is and what effective anti-racism action looks like, and building on an evidence-based anti-racism systems change model that supports individuals and institutions to take pragmatic steps towards anti-racism practice.*

*The Ministry of Social Development (MSD) has also launched its Māori Strategy and Action Plan (Te Pae Tata)[[23]](#footnote-24) to help improve social and economic wellbeing of family and whānau. Te Pae Tata draws on the wisdom and experiences of Māori, aims to build skills within the organisation to embed a Māori world view, and honours MSD’s commitment to Te Tiriti o Waitangi.*

*MSD also launched Pacific Prosperity, its strategy for Pacific peoples, that places them at the heart of the development, thinking and decision making and enables their communities to work towards realising their aspirations.[[24]](#footnote-25)*

*Section 7AA in the Oranga Tamariki Act 1989 has legislated the partnering with iwi, hapū and Māori organisations to provide opportunities for partners to take on delegated functions set out in the act to the chief executive within the state care system. The same section also gives partners the opportunity to propose and execute innovative proposals that will improve the outcomes for tamariki and rangatahi Māori.*

*Similarly, the Ministry for Pacific Peoples has established a Pacific Languages Unit and advisory group (Fono Faufautua), and The Strategy will be implemented through a Pacific Languages Government Action Plan and ethnic-specific Community Language Action Plans.*

*In 2018, NZ On Air and TVNZ (lead agency: The Ministry for Culture and Heritage (MCH)) launched HEIHEI, New Zealand's first free (and ad-free) online media platform for children's content. The platform reflected a commitment to connecting children to local content and promotes diversity and inclusion. NZ On Air has funded more than 68 Scripted and Factual projects for HEIHEI that reflect a diversity of NZ cultures and identities and 7+ interactive games.*

*New Zealand Police is continuously working on introducing a variety of tools that help staff learn to address racism, ableism and bias. Amongst those, is the release of Mana-Aki, a learning module aligned to the commitment of valuing diversity and looking at diversity through the lens of culture. Another Police online learning resource is Te Rito, a set of Bicultural Competency E-Learning Modules, which focus on bicultural knowledge, recognising and addressing bias, and the Treaty of Waitangi.*

*In addition, Police has set up ambitious goals to ensure staff are representative of New Zealand’s population makeup. As a consequence, recruitment numbers for Māori, Pacific and Ethnic groups have been steadily increasing.*

*Starting in 2017 Te Kawa Mataaho | New Zealand Public Service Commission formed a dedicated diversity and inclusion programme to work towards a public service that reflects, values, understands and is responsive to the communities it serves. This programme, called ‘Papa Pounamu’ sets out five mandatory areas that all Public Service agencies must implement:*

1. *Addressing bias: agencies are to provide training and change structural systems to reduce bias/discrimination occurring*
2. *Building cultural competence: agencies are to ensure employees complete relevant cultural competence training*
3. *Inclusive leadership: agencies to ensure that senior leaders complete the inclusive leadership training*
4. *Building relationships: all people managers are to use of inclusivity tools and resources in their performance development discussions*
5. *Supporting employee-led networks: all agencies to actively support, resource and engage with networks*

*The Public Service Commission has also implemented a comprehensive set of actions (Kia Toipoto) to help close gender, Māori, Pacific and ethnic pay gaps in the public service. Launched in November 2021, Kia Toipoto, the Public Service pay gaps action plan 2021–2024, has three goals, which are to:*

1. *make substantial progress towards closing gender, Māori, Pacific, and ethnic pay gaps*
2. *accelerate progress for wāhine Māori, Pacific women, and women from ethnic communities*
3. *create fairer workplaces for all, including disabled people and members of rainbow communities.*

*Kia Toipoto builds on the successful Public Service Gender Pay Gap Action Plan 2018–20 but goes wider than gender and extends to Crown entities. Kia Toipoto comes from the saying "Waiho i te toipoto, kaua i te toiroa l let us be united, not wide apart.” The name speaks to closing gaps and creating unity and fairness for all peoples. Agencies and Crown entities will engage with employees and unions in their work to close their gender and ethnic pay gaps.*

1. How effective is the practical/actual implementation and enforcement of these measures? Have they been successful in addressing systemic, structural or institutional racism in your country?
   1. *See brief note above on Child and Youth Wellbeing Strategy Review – which found that the Strategy remains sound and relevant, based on stakeholder engagement. However, the Review did recommend five implementation “enablers” to help support the implementation of the Strategy. These included: ensuring that measurement, monitoring and reporting on child and youth wellbeing is effective and efficient; improving coordination and alignment of the Strategy via governance arrangements; strengthening collective ownership and involvement of children and young people; embedding Te Ao Māori concepts of wellbeing; and enabling whānau-centred, community-led approaches.*
   2. *Regarding the Ministry for Culture and Heritage’s HEIHEI platform (see response to question 6), in March 2020 Colmar Brunton, commissioned by NZ On Air and the Broadcasting Standards Authority carried out a comprehensive survey of more than 1,000 children and their parents about the media consumption behaviour of their children under 14 years.*

*Despite the higher consumption of international content, the desire for local content was still strong:*

* *Three quarters of parents agree it’s important for their children to watch local content that reflects them and their world*
* *More than 50% of children say they feel good when they watch stories about NZ and see children that look and speak like them*

*But*

* *Most children (65%) don’t have a favourite NZ-made show*
* *49% of children aged 6-14 are aware of HEIHEI and 17% have used it.*
  1. *The Ministry of Health has adopted an approach for Ao Mai te Rā that allows the health system to explore and better understand racism and anti-racism in its broadest sense. Ao Mai te Rā is comprised of two phases; a discovery phase which commenced at the beginning of 2021 and a design phase which will commence at the end of 2022. As part of the discovery phase, the Ministry of Health has/will release:* 
     + ***the Ao Mai Te Rā: Anti-Racism Podcast Series****to humanise the issue of racism and its impacts on health equity and health outcomes*
     + ***the formal position statement and working definitions for racism and anti-racism for use in the health system in Aotearoa New Zealand***
       - *This is supported by the stage one literature review and summary paper, which traces how understandings of racism and anti-racism have shifted over time.*
     + ***the Whiria Te Muka Tangata case studies****which showcase good or best practice from across the system*
       - *This is supported by a second (stage two) literature review on best practice approaches to addressing racism in all its forms.*
     + ***the Whiria Te Muka Tangata Preliminary Anti-Racism Systems Change Model****describing the evolutionary pathway towards a fair, just and equitable health system*
     + *This is supported by a third (stage three) literature review on anti-racism maturity models and key levers of anti-racism change.*

*The way racism and the practical application of anti-racism is framed and understood in the discovery phase, will directly impact the types of anti-racism solutions that are developed in phase two. Phase two of Ao Mai te Rā will focus on embedding the systems change model, including the development of new anti-racism solutions and a range of indicators and measures to support the Ministry of Health in its monitoring role as chief steward for the health system.*

1. How has the ongoing COVID-19 pandemic brought to the surface and exacerbated systemic, structural or institutional racism in your country?

*Māori, Pacific and some other ethnic groups in Aotearoa New Zealand have proven to be at higher risk of severe illness from COVID-19. Disproportionate risk comes about in part due to factors arising from low income such as: high levels of crowded housing and insecure housing, lower vaccination uptake, high levels of underlying disability, health conditions, poor nutrition and lower access to healthcare.[[25]](#footnote-26)*

*The COVID-19 pandemic exacerbated existing inequities for Pacific peoples, who have had the highest hospitalisation rates for COVID-19 and mortality rates four times greater than European and other ethnicities.*

*After receiving a comparatively high number of inquiries at the beginning of 2020 citing verbal abuse, racial harassment and discrimination towards those of the Asian and Chinese community, the Human Rights Commission conducted a survey of nearly 2,000 Māori, Pacific peoples, Chinese and Asian respondents. Nearly eight in ten respondents said they experienced discrimination at the beginning of the Covid outbreak and this discrimination had also existed pre-Covid 19. Chinese people had much greater concerns about their personal safety compared with other respondents.[[26]](#footnote-27)*

*Another study similarly indicated that Covid 19 brought racism to the surface in Aotearoa New Zealand. This research shows high levels of discrimination and experiences of racism among Asian New Zealanders during the pandemic. The respondents came from more than 14 Asian countries or areas, but Chinese respondents in particular reported a sense of being discriminated against.[[27]](#footnote-28)*

1. To what extent is disaggregated data gathered by state and non-state actors in your country to identify systemic, structural or institutional racism, and to track progress in the measures adopted to address systemic/structural or institutional racism? Is any other data gathering tool used specifically to capture data related to systemic/structural or institutional racism? (Please provide details; refer to quantitative and qualitative data-gathering methodologies, where relevant.)

*Following are some examples of data gathered about racism by state and non-state actors. However none of these focus specifically on systemic, structural and institutional racism. Disaggregated data for the full range of different ethnicities living in Aotearoa New Zealand varies, and especially in relation to intersectionality.*

|  |  |  |  |
| --- | --- | --- | --- |
| **Prevalence of racism in Aotearoa New Zealand as reported in different surveys** | | | |
| **Survey, source, year** | **Survey description** | **Findings** | |
| Whakatika Māori experiences of racism  Te Atawhai o te Ao, 2021[[28]](#footnote-29) | Gathered and assessed everyday experiences with racism among Māori, based on a sample size of 2,096 people. | * 93% felt racism had an impact on them on a daily basis and 96% said that racism was a problem for their wider whānau at least to some extent. * 89% said they were less likely than other customers to get assistance because they are Māori, at least some of the time. * Colonial statues caused anger for 63% of Māori. * Most Māori (79%) said that non-Māori media negatively portray Māori all of the time or often. * 71% of Māori have a Māori name (it could be a first name, middle name or surname) and a little over half of all respondents (53%) said they had to spell their name all of the time or often and similar numbers said they had to explain their Māori name(s) regularly. | |
| Survey of racism and xenophobia during Covid-19  Human Rights Commission, 2021[[29]](#footnote-30) | Assessed prevalence, nature and pattern of racism and xenophobia as a result of Covid-19 and resulting attitudes, views, reactions and impacts. Surveyed 1,904 people aged 18 years and over completed the survey. | * 39% had experienced discrimination since the start of the outbreak * Māori and ethnic Chinese respondents were more likely than others to have experienced this since the start of the outbreak (55% and 54%) and more likely to report their experiences were COVID-related * 46% of those who experienced COVID-related discrimination reported a negative mental wellbeing impact * Respondents of Chinese ethnicity and Māori were more likely than others to feel increased levels of personal concern | |
| Growing up in New Zealand  2019[[30]](#footnote-31) | Identified protective and risk factors that may mediate the relationship between discrimination experience and adverse birth outcomes from Growing Up in New Zealand longitudinal cohort study. Based on 6,822 pregnant women and their 6,853 children. | * 26% of the total sample and 33% of Māori reported a verbal attack. * 30% reported having experienced at least one type of unfair treatment, including 37% of Māori women. * There was an overall trend for Māori women reporting ethnic discrimination to have lower birth weight infants and shorter gestation length relative to Māori women not reporting discrimination. This includes unfair treatment at work, in acquiring housing and in receiving health care. * Conversely, Asian women who reported housing discrimination had infants with higher birth weight, when compared to Asian women who didn’t report experiencing ethnic discrimination. | |
| General Social Survey Wellbeing supplement, Statistics NZ, March 2021 quarter[[31]](#footnote-32) | Wellbeing supplement of the Statistics NZ General Social Survey, from 12,037 records. Includes question on experience of discrimination in past 12 months. | * 18% of people 18 and over said that they had experienced discrimination in the previous 12 months. * 29% of Māori said they experienced discrimination, 22% of people of Asian descent, and 20% of Pacific peoples * In 2018, Stats NZ’s General Survey indicated that people born outside of Aotearoa report higher rates of discrimination compared with those born in New Zealand (16.5% for those born in New Zealand compared with 18.8% for longer term migrants and 21.2% for recent migrants). | |
| Te Kupenga Māori Wellbeing Survey,  Statistics NZ, 2013[[32]](#footnote-33) | The first Māori social survey conducted as part of the 2013 Census. Included questions on individual experience of discrimination, including reason for discrimination and site of discrimination. | * 40.6% of Māori reported racial discrimination ‘ever’ and 6.8% in the last 12 months. * For Māori who had experienced discrimination at any stage, the most common places where discrimination occurred were at school (43%), on the street or in a public place (22%, and at work (25%). * This was also correlated with household crowding and tenure (eg Māori who did not live in an owner-occupied home were more likely to have experienced discrimination in the last 12 months, or at any stage, compared with those who lived in an owner-occupied home). | |
| He Whakaaro: Education Insights based on Youth 2000  Survey, 2019 (based on 2012 data)[[33]](#footnote-34) | The Youth2000 surveys collect information from large representative samples of New Zealand secondary school students about a wide range of things that contribute to young people's health and wellbeing. The 2012 survey findings are based on data from 8,500 students. | * Māori, Samoan and other Pacific students were far more likely to report discrimination on the basis of their ethnicity from adults than from their peers, with unfair teacher behaviour the most frequently reported issue. * Indian, Chinese and other Asian students reported low rates of bullying overall, but were far more likely than other ethnicities to report bullying motivated by ethnicity. * The most common discrimination faced by migrants and religious students is related to their ethnicity. | |
| [Racial discrimination, NZ](https://www.health.govt.nz/our-work/populations/maori-health/tatau-kahukura-maori-health-statistics/nga-awe-o-te-hauora-socioeconomic-determinants-health/racial-discrimination) Health Survey, 2011/2012[[34]](#footnote-35) | The Health Survey includes a self-reported question on experience of racial discrimination ‘ever’ in a person’s lifetime from the 2002/03, 2006/07 and 2011/12 NZ health surveys. In 2011/2012, 12,370 adults aged 15 years and over, and 4478 children aged 0–14 years were surveyed. | * Māori aged 15+ (30%) were almost twice as likely as non-Māori adults (15.9%) to have experienced any type of racial discrimination * 7.8% of Māori 15+ experienced physical attack (compared with 3.2% non-Māori), 20.8% experienced verbal attack (compared with 11.7% non-Māori), and 12.4% experienced unfair treatment due to their ethnicity (compared with 4.2% non-Māori). | |
| Community perceptions of migrants and immigration (2021)[[35]](#footnote-36) | The Community Perceptions of Migration survey is a regular attitudinal research project undertaken by the Colmar Brunton research group. The survey aims to build an evidence base about community attitudes towards immigration and migrants. | * Two thirds (64%) of New Zealanders held a positive view of migrants, representing an increase from 58% in 2011 and 53% in 2016. Migrants from the United Kingdom (59%), Australia (57%)) and international students (57%) were the most positively perceived. Migrants from China ((46%), Indian (46%) and refugees (44%) were least positively perceived. Compared to 2019, more New Zealanders now feel positively towards international students, and migrants from the Philippines (54%) and the Pacific Islands (50%). * New Zealanders most likely to feel migrants make their community a better place to live are Wellington residents, have an annual household income greater than $100,000, identify as Asian, were born overseas, or are under the age of 40. * 54% of New Zealanders believe migrants make their community a better place to live. The main reason these people feel this way is that they appreciate how migrants make our communities, and society as a whole, more culturally diverse. 11% of New Zealanders believe migrants make their community a worse place to live. These people tend to be concerned about the cultural and/or economic impacts migration has on New Zealand. * 10% of New Zealanders believe New Zealand is not a welcoming country for migrants. Amongst this 10%, a quarter feel this is due to racism and discrimination * In general, New Zealanders feel Muslims, Indians, Chinese, and refugees are the most discriminated against. Since 2019, there has been an increase in the proportion of New Zealanders who say migrants across almost all groups face some or a lot of discrimination |
| Te Kawa Mataaho Public Service Workforce Data (annually since 2000)[[36]](#footnote-37) | Te Kawa Mataaho collects administrative data from public service (central government) departments, including their ethnic composition. | * The Public Service is generally representative of the ethnic groups of the New Zealand population. * Pay gaps remain for between some ethnic groups. * Representation in senior leadership of Public Service organisations has become more ethnically diverse over time. |
| Te Taunaki Public Service Census 2021[[37]](#footnote-38) | Te Taunaki surveyed 60,000 public servants in central government departments and had a 63% response rate. The survey questions focused on diversity, inclusion and wellbeing at work, and strengthening Māori Crown relationships. | * 58% of public servants were confident they could identify aspects of their organisation’s work that may disadvantage Māori |

*Efforts are being made across government to improve the use of data collection for decision making, and in relation to responding to racism. For example, ethnicity data collected within Police as per the National recording standards is intended to provide an insight into statistical reporting and intelligence trends for victims and offenders, and is intended to be used internally to provide an insight into potential challenges and needs within communities. It allows decision makers to consider such data to inform their decisions.*

*Police have also made improvements to the way hate crime can be recorded and reported. This change in recording practice improved the depth of insight about hate crime offences held by Police. It also helped to ensure the quality of staff decision making and recording practice in relation to reported hate crime. Alongside this, Police has been working directly with community groups, educating and informing them about Police’s definition of hate crime/incidents and how to report any occurrences. In addition, Police has created training resources for key staff (particularly those in Emergency Response Centres and Crime Reporting Line/105 staff) that manage most initial reports from the public, thus improving Police’s ability to recognise and flag hate crime/incidents at the time of the report. This has resulted in better identification of hate crime and more accurate reporting.*

1. To what extent has national antiracism policy research with a bearing on systemic racism been undertaken by national institutions/researchers, and what research is being undertaken, if any? (Please provide references if any.)

*A network of public health professionals and activist scholars, known as STIR (Stop Institutional Racism!), is active in conducting research to inform their efforts to disrupt racism across the health system. Recent papers include a Treaty of Waitangi-based analysis of recruitment and performance review processes of public sector chief executives in New Zealand,[[38]](#footnote-39) a research paper exploring the strengthening of engagement and collaboration with the New Zealand Muslim community[[39]](#footnote-40) and a paper examining three anti-racist initiatives currently occurring across Aotearoa New Zealand.[[40]](#footnote-41)*

*Researchers at the University of Waikato are leading the Working to End Racial Oppression (WERO) project that will investigate racial oppression across society. WERO is an interdisciplinary, community-informed and international research programme comprising 21 researchers from New Zealand and Canada. Its research goals are to examine individualised, community and societal costs or impacts of racism and to identify responses that government, institutions and communities can use to challenge it. Outcomes of the research will include responses to racism (such as the development of toolkits to audit and address institutional racism), protocols to promote inclusive online communication, strategies for building relationships across communities and guidelines for strengthening understanding of Aotearoa New Zealand’s history.*

*A 2022 report from the Productivity Commission found that institutional racism or discrimination towards ethnic minority groups continues to shape policies that most impact them. The report points to the privileging of Pākehā (Eurocentric) favouritism and out-group hostility shapes power imbalances and social stratification, leading to much poorer outcomes within New Zealand society. The effect of this institutional and systemic racism, the report argues, is that Māori and other groups locked out of Aotearoa’s monocultural set up do not have access to assets and opportunities, leading to further inequitable outcomes.[[41]](#footnote-42)*

1. In your country, what are the main human rights challenges arising from systemic, structural or institutional racism? List and explain them succinctly.

*Since the Treaty of Waitangi was signed in 1840, Māori have made many complaints to the Crown that the terms of the Treaty were not being upheld. The Waitangi Tribunal was established by the Treaty of Waitangi Act 1975, providing a legal process by which Māori Treaty claims could be investigated. Tribunal inquiries contribute to the resolution of Treaty claims and to the reconciliation of outstanding issues between Māori and the Crown.[[42]](#footnote-43)*

*The Waitangi Tribunal Phase One inquiry into the legislative and policy framework of the primary healthcare system report found that there have been multiple Tiriti breaches committed by the Crown, including failure to give effect to tino rangatiratanga (self-determination) of Tangata Whenua. The report highlighted institutional racism, chronic underfunding of Tangata Whenua health, and a lack of accountability in relation to Tangata Whenua health equity.*[[43]](#footnote-44)

*Socioeconomic challenges also exist for ethnic communities in New Zealand, particularly for individuals with non-resident and non-citizen status. These individuals may have no access to government-funded healthcare, limited access to non-funded healthcare, and limited access to employment and government services such as income-support, child support, or other means to sustain a life in dignity. The wellbeing outcomes for ethnic communities in New Zealand are yet to be measured and reported. In most circumstances, the data exists, but is reported as ‘other’ due to limited population.*

*The Committee on the Elimination of Racial Discrimination (CERD) report from 2017 identified human rights challenges arising from systemic, structural and institutional racism. Specifically, the Committee raised concerns about a lack of a national action plan against racial discrimination and xenophobia; the lack of data and statistics on acts of racial discrimination; resourcing constraints for reports of the Waitangi Tribunal; continued disproportionate rates of arrest, prosecution, imprisonment and re-imprisonment of Māori; poorer health outcomes for Māori and Pacific peoples; evidence of disparate rates of pay; lack of data or socioeconomic indicators on measures taken to improve educational outcomes of Māori and Pacific peoples; and low levels of conversational Māori language among Māori.*

*Article 2 of the United Nations Rights of the Child states that “it is the State’s obligation to protect children from any form of discrimination and to take positive action to promote their rights.” Young people in New Zealand talk about experiencing racism and discrimination in schools, being treated unfairly and made to feel unsafe[[44]](#footnote-45). Racism against children and young people (and their family and whānau) can affect mental wellbeing and have harmful impacts that can continue throughout a person's life.*

1. Are specific resources allocated to address structural or institutional racism in your country?

*The development of the national action plan against racism, led by the Ministry of Justice, is intended to include government-led action to address racism at all levels of society. This will be developed by 2024.*

*Specific agencies have resourced programmes that will indirectly address structural and institutional racism. For example, the Ministry of Social Development (MSD) is implementing its Māori strategy and action plan, ‘Te Pae Tata’, which articulates how the Ministry will work with Māori to achieve better outcomes. The Ministry is starting by embedding a Māori world view into the Ministry and building individual knowledge and abilities so that it can confidently engage with Māori. Te Pae Tata concentrates on actions that build and enrich genuine partnerships between the Crown and Māori across multiple levels. This includes capacity-building within the MSD workforce and improving current approaches for co-designing, commissioning, procuring and contracting services.*

*To address the needs of ethnic communities in New Zealand, the government established the Ministry for Ethnic Communities (MEC) in July 2021. The first strategy of MEC was released in July 2022.[[45]](#footnote-46)*

*The Former Refugees, Recent Migrants and Ethnic Communities Employment Action Plan was also launched in March 2022 that highlights some of the areas within MEC strategy.[[46]](#footnote-47)*

*The above-described anti-racism work programme of the health system is an initiative to support the way the health system understands, reacts, and responds to racism.*

1. In your country, which government agency has the mandate of combating and preventing racial discrimination? To what extent does the agency take issues into account related to systemic, structural or institutional racism in its mandate? (Please provide the most recent annual reports of this agency.)
2. Do you think reparations for the root causes of systemic, structural or institutional racism (such as Transatlantic Slavery, colonialism and apartheid) have a current role to play in redressing systemic, structural or institutional racism, and in eradicating it?
3. How are systemic patterns of racial discrimination addressed within the framework of the Sustainable Development Goals (SDGs) 2030 agenda? In your view, do the SDGs contribute to advance racial justice and equality? (Refer to eg SDGs 1, 3, 4, 5, 6, 7, 8, 10, 11 and16.)
4. Is the existing international framework, for example as it relates to the governance of international organisations, sufficient to deal with systemic, structural or institutional racism? If not, what more can be done?
5. Is the existing national legal and human rights framework, if any, sufficient to deal with systemic, structural or institutional racism? If not, what more can be done?

*There are processes in place for citizens to make complaints about racial discrimination (through the Human Rights Commission, the police and assorted tribunals, regulatory bodies, and standards authorities).*

*The national action plan against racism is looking into what more can be done to deal with systemic, structural or institutional racism.*

1. What are the responsibilities of key stakeholders (UN agencies, states, NHRIs, civil society organisations, technical community and academia, private sector) in addressing systemic, structural or institutional racism and racial discrimination? (Elaborate on what they can do to address systemic patterns of racial inequality.)

*Te Kāhui Tika Tangata the (New Zealand Human Rights Commission) is Aotearoa New Zealand’s national human rights institution. Set up in 1977 it works under the Crown Entities Act 2004 and Human Rights Act 1993. It is independent of government, and is accredited as an ‘A status’ national human rights institution under the Paris Principles. The Commission has an overall role to monitor the human rights of people in Aotearoa and in the context of racism has a role to monitor how the Government is addressing systemic, structural and institutional racism in line with Aotearoa New Zealand’s international human rights obligations.*

1. To what extent are private actors responsible for systemic patterns of racial discrimination in your country?
2. What role do you consider new emerging technologies, such as artificial intelligence based on algorithms, play in eradicating or sustaining systemic patterns of racial inequality?

*The answer to this question is likely to be contextual, and depend on the application of, and type of artificial intelligence (AI) algorithm used. Based on existing research, AI is better suited to structured, narrowly defined tasks than complex societal issues. AI-based algorithms are susceptible to bias (both unintentional and overt) when it comes to race. They depend on the quality of underlying data they use, and biased datasets will result in biased results. Over or under collection of information on various demographics can contribute to biased results. Current AI models are not sophisticated enough to identify when something is outside of their operating model and will try to incorporate inaccurate or biased information which may sustain systemic patterns of racial inequality. Accordingly, careful AI design would need to consider how to eliminate and/or avoid perpetuating systemic patters of racial inequality. As the design of the algorithms is based on policies (for example ‘content distribution guidelines’) developed by the companies who own the AI, an important way to influence how the AI functions is through the design of the underlying content policy underpinning the algorithms. Substantively, the AI gives effect to the intent of the policy, or to the content distribution guidelines. To eliminate systemic patterns of racial inequality, a company could propagate content distribution guidelines that incentivise creators to invest in content that is balanced and seeks to combat systemic patterns of racial inequality.*

1. Are there any other ‘good practices’ by your State or other stakeholders (such as business or civil society organisations) that advance racial justice and equality, and address systemic, structural or institutional racism? If yes, could you please share these practices?

*The New Zealand Police run the following programmes:*

* *Iwi and Communities Group – This group ensures that the voices and wellbeing of the different communities with New Zealand is reflected in the strategies, policies and work which New Zealand Police do.*
* *Te Raranga (New Zealand Police Hate crime programme)*
* *Te Pae Oranga (Māori Community Panels, these are a way that Police and iwi/Māori partners deal with crime and prevent reoffending based on Māori practices of restorative justice)*
* *Prevention Programmes including Integrated Safety/Community Responses, Whāngaia Pa Harakeke*
* *‘Understanding Policing Delivery’ New Zealand Police research programme focussed on identifying whether, where, and to what extent, bias exists at a system level in Police’s operating environment.*
* *Community-focused engagement strategies including Māori (Te Huringa o Te Tai), Pasifika (O Le Taeao Fou) and Ethnic (Working Together with Ethnic Communities – the Future)*
* *Community focused partnership teams – Māori Prevention and Partnerships teams, Pacific Partnerships team, Ethnic Partnerships team.*
* *National and District level community advisory groups*
* *Partnerships with Māori, multi-cultural/ethnic and faith organisations.*

1. Do you have any recommendations to any stakeholder that you think would advance efforts to address systemic, structural or institutional racism either at the national or international level? Please share those.

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